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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,312	12/21/2000	Sascha Baumeister	DE919990096	2057

7590 08/19/2003

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EXAMINER

MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 08/19/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

✓

**Advisory Action**

Application No.

09/745,312

Applicant(s)

BAUMEISTER ET AL.

Examiner

Tony Mahmoudi

Art Unit

2175

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-17.

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

DOV POPOVICH

SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

Continuation of 5. does NOT place the application in condition for allowance because: The applicants' arguments presented in the After Final amendment, filed on 07-August-2003 have been fully considered as noted below: in 8/1/03

Upon further review of claims 1-17 in view of the originally disclosed specification and in consideration of the applicants' arguments regarding the rejection of claims 1-17 under the first paragraph of 35 USC 112, the applicants' arguments that a hierarchical file system would necessarily support multiple file formats is fully considered but is not found to be persuasive. However, with the exclusive example of a video file library, the examiner acknowledges the fact that multiple file formats are supported in a video file library. Therefore, the rejection of claims 1-17 under 35 USC 112 first paragraph is hereby withdrawn by the examiner.

Claims 1-17 still stand rejected under 35 USC 103 in view of the cited prior art. In response to applicants' arguments that "Schmidt does not teach, suggest or imply a transaction program means arranged for cooperation with a hierarchical file system", the arguments have been fully considered but are not found to be persuasive, because as noted in the previous office action, the secondary reference, Balabine et al, teaches a hierarchical file system, supporting multiple file formats. Please refer to pages 3-5 of the "final rejection" office action (paper No. 5), mailed on 05-June-2003.

In response to applicants' arguments that "Schmidt does not disclose, suggest or imply such means implementing transactional functionality to effectuate changes to hierarchical file system files", the arguments have been fully considered but are not found to be persuasive (see Schmidt et al, column 7, lines 4-33, where "changes" in file system is taught.) Applicants are further directed to remarks and discussions made above regarding Balabine et al's teaching of "hierarchical file system".

In response to applicants' arguments that "Balabine does not overcome these noted deficiencies of Schmidt compared with the present invention", the arguments have been fully considered but are not found to be persuasive in view of comments and discussions made above.

In response to applicants' arguments regarding Coleman et al, and Khalidi et al, in that they don't suggest or imply any of the above noted aspects of claim 1, the arguments have been fully considered but are not found to be persuasive, in view of the remarks and discussions made above regarding claim 1 over Schmidt et al in view of Balabine et al.